

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONNA CORBELLO,

Plaintiff,

vs.

THOMAS GAETANO DEVITO et al.,

Defendants.

2:08-cv-00867-RCJ-PAL

ORDER

Plaintiff Donna Corbello is the widow and heir of Rex Woodard, who assisted Defendant Thomas Gaetano “Tommy” DeVito in writing his unpublished autobiography (the “Work”). Plaintiff alleges that DeVito and others wrongfully appropriated the Work to develop the screenplay for *Jersey Boys*, a hit musical based on the band The Four Seasons that has played in the United States, Canada, England, and Australia. The Court granted summary judgment to certain Defendants and certified the order for immediate appeal. The Court of Appeals reversed and remanded for further proceedings. The Court then determined on summary judgment that the Work would be entitled to “thin” copyright protection at trial.

Plaintiff and DeVito have asked the Court to approve their stipulation for voluntary dismissal of Plaintiff’s remaining claims against DeVito, submitting a Proposed Order (ECF No. 895-1) to that effect. DeVito’s co-Defendants have indicated their non-opposition to the

1 voluntary dismissal but have separately asked the Court to enter an order requiring Plaintiff and
2 DeVito: (1) to provide them with drafts of the Settlement Agreement and communications
3 exchanged between counsel (but not between any attorney and his or her client) from April 1,
4 2013 to present that in any way concern the settlement; and (2) to submit themselves and their
5 counsel to depositions within 30 days of disclosure upon co-Defendants' request. Co-
6 Defendants argue this discovery is required for them to properly defend themselves at trial since
7 the Settlement Agreement appears to call for DeVito's cooperation with Plaintiff, and their trial
8 strategy may now change. The Court grants the motion.

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CONCLUSION

IT IS HEREBY ORDERED that the Motion to Voluntarily Dismiss (ECF No. 895) is GRANTED, and all of Plaintiff Donna Corbello's remaining claims against Defendant Thomas Gaetano DeVito are hereby dismissed with prejudice, with each party to bear its own costs and attorneys' fees.

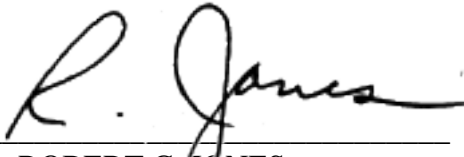
IT IS FURTHER ORDERED that the Motion for Leave to Take Specified Discovery (ECF No. 905) is GRANTED in part. Plaintiff shall provide DeVito's co-Defendants with a copy of any settlement agreement(s), as well copies of any communications exchanged between Plaintiff's and DeVito's counsel (but not between counsel and client) from April 1, 2013 to present that in any way concern such a settlement agreement. Thereafter, DeVito's co-Defendants shall have thirty (30) days to depose Plaintiff, DeVito, or their counsel as to matters relevant to any settlement agreement (subject to attorney-client privilege).

IT IS FURTHER ORDERED that the Stipulations and Motions to Extend Time (ECF Nos. 897, 900, 901, 902, 906, 907, 909) are GRANTED.

IT IS FURTHER ORDERED that the Motion to Seal (ECF No. 911) is GRANTED.

IT IS SO ORDERED.

Dated this 14th day of July, 2016.



ROBERT C. JONES
United States District Judge